

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00778-CJN**

CAUSE OF ACTION INSTITUTE v. UNITED STATES
DEPARTMENT OF COMMERCE
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 03/20/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

CAUSE OF ACTION INSTITUTE

represented by **Lee A. Steven**
CAUSE OF ACTION INSTITUTE
1310 N. Courthouse Road
Suite 700
Arlington, VA 22201-2961
(571) 329-1716
Email: lee.steven@causeofaction.org
ATTORNEY TO BE NOTICED

Ryan Patrick Mulvey
CAUSE OF ACTION INSTITUTE
1310 N. Courthouse Road
Suite 700
Arlington, VA 22201-2961
571-444-2841
Email: ryan.mulvey@causeofaction.org
ATTORNEY TO BE NOTICED

Russel James Valvo , III
CAUSE OF ACTION INSTITUTE
1310 N. Courthouse Road
Suite 700
Arlington, VA 22201-2961
571-482-4182
Email: james.valvo@causeofaction.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT
OF COMMERCE**

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2518
Email: john.moustakas@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2510
Fax: (202) 252-2599
Email: melanie.hendry2@usdoj.gov
TERMINATED: 08/07/2019

Date Filed	#	Docket Text
03/20/2019	<u>1</u>	COMPLAINT <i>against Dep't of Commerce</i> against Cause of Action Institute (Filing fee \$ 400 receipt number 0090-6012230) filed by Cause of Action Institute. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons)(Valvo, Russel) (Attachment 4 replaced on 3/21/2019) (zef,). (Entered: 03/20/2019)
03/20/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by Cause of Action Institute (Valvo, Russel) (Entered: 03/20/2019)
03/20/2019	<u>3</u>	NOTICE of Appearance by Lee A. Steven on behalf of Cause of Action Institute (Steven, Lee) (Entered: 03/20/2019)
03/21/2019		Case Assigned to Judge Randolph D. Moss. (zef,) (Entered: 03/21/2019)
03/21/2019	<u>4</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 03/21/2019)
03/22/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/21/2019. (Valvo, Russel) (Entered: 03/22/2019)
03/22/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/21/2019. Answer due for ALL FEDERAL DEFENDANTS by 4/20/2019. (Valvo, Russel) (Entered: 03/22/2019)
03/22/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF COMMERCE served on 3/21/2019 (Valvo, Russel) (Entered: 03/22/2019)
03/22/2019	<u>8</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 3/22/2019. (lcrdm3,) (Entered: 03/22/2019)
04/22/2019	<u>9</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF COMMERCE.(Hendry, Melanie) (Entered: 04/22/2019)
04/22/2019		MINUTE ORDER: The parties are hereby ORDERED to appear for an Initial Scheduling Conference on June 3, 2019, at 10:00 a.m. in Courtroom 21. It is further ORDERED that the parties shall confer in advance of the Initial Scheduling Conference on (1) whether any records can be released, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 4/22/2019. (lcrdm3,) (Entered: 04/22/2019)
04/23/2019		Set/Reset Hearings: Initial Scheduling Conference set for 6/3/2019, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 04/23/2019)
05/23/2019	<u>10</u>	Consent MOTION to Continue <i>Initial Scheduling Conference</i> by UNITED STATES DEPARTMENT OF COMMERCE (Hendry, Melanie) (Entered: 05/23/2019)
05/24/2019		MINUTE ORDER: Upon consideration of Defendant's consent motion to continue initial scheduling conference <u>10</u> , it is hereby ORDERED that the motion is GRANTED. The status conference set for June 3, 2019 is hereby VACATED and RESCHEDULED for June 17, 2019 at 11:00 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 5/24/2019. (lcrdm3,) (Entered: 05/24/2019)
05/24/2019		Set/Reset Hearings: The Initial Scheduling Conference set for 6/3/2019 is VACATED and RESCHEDULED for 6/17/2019, at 11:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 05/24/2019)
06/17/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held on 6/17/2019. Defendant's Motion for Summary Judgment due by 7/22/2019; Plaintiff's Opposition and Cross Motion for Summary Judgment due by 8/5/2019; Reply to Summary Judgment and Response to Cross Motion due by 8/19/2019; Reply to Cross Motion due by 8/26/2019. (Court Reporter: Janice

		Dickman.) (kt) (Entered: 06/17/2019)
06/24/2019	<u>11</u>	NOTICE of Appearance by Ryan Patrick Mulvey on behalf of CAUSE OF ACTION INSTITUTE (Mulvey, Ryan) (Entered: 06/24/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Randolph D. Moss is no longer assigned to the case. (rj) (Entered: 06/24/2019)
07/19/2019	<u>12</u>	MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES DEPARTMENT OF COMMERCE (Hendry, Melanie) (Entered: 07/19/2019)
07/19/2019	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION for Extension of Time to File <i>Summary Judgment Motion</i> filed by CAUSE OF ACTION INSTITUTE. (Valvo, Russel) (Entered: 07/19/2019)
07/24/2019		MINUTE ORDER. The Court has received Defendant's <u>12</u> Motion for an Extension of Time. The Court notes that Defendant's Motion fails to comply with paragraph 12 of the Standing Order <u>8</u> entered on March 22, 2019. It is nevertheless ORDERED that the Motion is GRANTED and that the deadlines (1) for Defendant's Summary Judgement Motion is extended to July 22, 2019; (2) for Plaintiff's Opposition and Cross-Motion is extended to August 5, 2019; (3) for Defendant's Opposition and Reply is extended to August 19, 2019; and (4) for Plaintiff's Reply is extended to August 26, 2019. The Court notes that future motions seeking to extend the briefing schedule will be disfavored. Signed by Judge Carl J. Nichols on July 24, 2019. (lccjn1) (Entered: 07/24/2019)
07/24/2019		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 7/22/2019. Response to Motion for Summary Judgment due by 8/5/2019. Reply to Motion for Summary Judgment due by 8/19/2019. Plaintiff's Cross Motion due by 8/5/2019. Response to Cross Motion due by 8/19/2019. Reply to Cross Motions due by 8/26/2019. (zcdw) (Entered: 07/29/2019)
07/30/2019	<u>14</u>	Joint MOTION for Briefing Schedule , <i>to update existing schedule</i> by CAUSE OF ACTION INSTITUTE (Valvo, Russel) (Entered: 07/30/2019)
07/31/2019		MINUTE ORDER. Upon consideration of the Parties' <u>14</u> Joint Motion to Update Deadlines, it is hereby ORDERED that the deadlines (1) for Defendant's Summary Judgment Motion is extended to August 12, 2019; (2) for Plaintiff's Opposition and Cross-Motion is extended to August 26, 2019; (3) for Defendant's Opposition and Reply is extended to September 9, 2019; and (4) for Plaintiff's Reply is extended to September 16, 2019. Signed by Judge Carl J. Nichols on July 31, 2019. (lccjn1) (Entered: 07/31/2019)
08/01/2019		Set/Reset Deadlines: Defendant Summary Judgment Motion due by 8/12/2019. Plaintiff Opposition And Cross-Motion due by 8/26/2019. Defendant Opposition And Reply due by 09/09/2019. Plaintiff Reply due by 9/16/2019. (mac) (Entered: 08/01/2019)
08/06/2019	<u>15</u>	MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES DEPARTMENT OF COMMERCE (Hendry, Melanie) (Entered: 08/06/2019)
08/06/2019	<u>16</u>	Memorandum in opposition to re <u>15</u> MOTION for Extension of Time to File <i>Summary Judgment Motion</i> filed by CAUSE OF ACTION INSTITUTE. (Valvo, Russel) (Entered: 08/06/2019)
08/07/2019	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of UNITED STATES DEPARTMENT OF COMMERCE Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)
08/14/2019	<u>18</u>	ENTERED IN ERROR.....MOTION for Order to Show Cause <i>as to Why Defendant Should Not Be Held in Contempt and Sanctioned</i> , MOTION to Expedite <i>Motion for Order to Show Cause</i> by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Text of Proposed Order)(Mulvey, Ryan) Modified on 8/14/2019 (jf). (Entered: 08/14/2019)
08/14/2019		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>18</u> MOTION for Order to Show Cause <i>as to Why Defendant Should Not Be Held in Contempt and</i>

		<i>Sanctioned</i> MOTION to Expedite <i>Motion for Order to Show Cause</i> was entered in error at the request of counsel and will be refiled. (jf) (Entered: 08/14/2019)
08/14/2019	<u>19</u>	MOTION for Order to Show Cause <i>as to Why Defendant Should Not Be Held in Contempt and Sanctioned</i> , MOTION to Expedite <i>Motion for Order to Show Cause</i> by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 08/14/2019)
08/15/2019		MINUTE ORDER. Upon consideration of Defendant's <u>15</u> Motion for an Extension of Time, it is hereby ORDERED that the Motion is GRANTED and that the deadlines (1) for Defendant's Summary Judgment Motion is extended to August 19, 2019; (2) for Plaintiff's Opposition and Cross-Motion is extended to September 3, 2019; (3) for Defendant's Opposition and Reply is extended to September 17, 2019; and (4) for Plaintiff's Reply is extended to September 24, 2019. Although the Court has granted this extension, the Court reemphasizes that future motions seeking to extend the briefing schedule will be disfavored. Signed by Judge Carl J. Nichols on August 15, 2019. (lccjn1) (Entered: 08/15/2019)
08/15/2019		Set/Reset Deadlines: Defendant's Summary Judgment Motion due by 8/19/2019. Plaintiff's Opposition And Cross-Motion due by 9/3/2019. Defendant's Opposition And Reply due by 9/17/2019. Plaintiff's Reply due by 9/24/2019. (mac) (Entered: 08/15/2019)
08/19/2019	<u>20</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit A, # <u>4</u> Text of Proposed Order)(Moustakas, John) (Entered: 08/19/2019)
08/21/2019	<u>21</u>	Memorandum in opposition to re <u>19</u> MOTION for Order to Show Cause <i>as to Why Defendant Should Not Be Held in Contempt and Sanctioned</i> MOTION to Expedite <i>Motion for Order to Show Cause</i> filed by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Exhibit 1)(Moustakas, John) (Entered: 08/21/2019)
08/22/2019	<u>22</u>	REPLY to opposition to motion re <u>19</u> MOTION for Order to Show Cause <i>as to Why Defendant Should Not Be Held in Contempt and Sanctioned</i> MOTION to Expedite <i>Motion for Order to Show Cause</i> filed by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 08/22/2019)
09/03/2019	<u>23</u>	Memorandum in opposition to re <u>20</u> MOTION for Summary Judgment filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Statement of Facts Pl.'s Resp. to Def.'s SUMF, # <u>2</u> Statement of Facts Pl.'s SUMF, # <u>3</u> Declaration Valvo Decl., # <u>4</u> Text of Proposed Order)(Valvo, Russel) (Entered: 09/03/2019)
09/03/2019	<u>24</u>	Cross MOTION for Summary Judgment by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Statement of Facts Pl.'s Resp. to Def.'s SUMF, # <u>2</u> Statement of Facts Pl.'s SUMF, # <u>3</u> Declaration Valvo Decl., # <u>4</u> Text of Proposed Order)(Valvo, Russel) (Entered: 09/03/2019)
09/17/2019	<u>25</u>	Memorandum in opposition to re <u>24</u> Cross MOTION for Summary Judgment <i>and Reply in Support of Defendant's Motion for Summary Judgment</i> filed by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Statement of Facts)(Moustakas, John) (Entered: 09/17/2019)
09/17/2019	<u>26</u>	REPLY to opposition to motion re <u>20</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Statement of Facts)(Moustakas, John) (Entered: 09/17/2019)
09/24/2019	<u>27</u>	REPLY to opposition to motion re <u>24</u> Cross MOTION for Summary Judgment filed by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 09/24/2019)
10/31/2019	<u>28</u>	NOTICE of Change of Address by Lee A. Steven (Steven, Lee) (Entered: 10/31/2019)
11/07/2019		MINUTE ORDER. Upon review of Defendant's <u>20</u> Motion for Summary Judgment and Plaintiff's <u>24</u> Cross-Motion for Summary Judgment, it is hereby ORDERED that a hearing on the Motions is set for November 21, 2019, at 2:00 PM in Courtroom 19. Signed by Judge Carl J. Nichols on November 7, 2019. (lccjn3) (Entered: 11/07/2019)
11/07/2019		Set/Reset Hearings: Hearing On Motions set for 11/21/2019 at 2:00 PM in Courtroom 19 before Judge Carl J. Nichols. (mac) (Entered: 11/07/2019)

11/13/2019		MINUTE ORDER. It is hereby ORDERED that the hearing on the Motions is rescheduled for November 21, 2019, at 9:30 AM in Courtroom 19. Signed by Judge Carl J. Nichols on November 13, 2019. (lccjn3) (Entered: 11/13/2019)
11/13/2019		Set/Reset Deadlines/Hearings: Motion Hearing set for 11/21/2019 at 9:30 AM in Courtroom 19 before Judge Carl J. Nichols. (zcdw) (Entered: 11/13/2019)